

In re

Case No. 18-31655

Christopher D. Blake
ss#xxx-xx-6734
Wendy L. Blake
ss#xxx-xx-2710

Chapter 13

Debtors

**ATTORNEY AFFIRMATION IN SUPPORT OF DEBTORS NOTICE
AND MOTION TO MODIFY THE CHAPTER 13 PLAN**

Christopher D. Blake Wendy L. Blake ("Debtor"), by and through counsel, Harris-Courage & Grady, PLLC, as and for their support of the Notice and Motion to Modify the Chapter 13 Plan avers as follows:

1. On 11/28/2018, the Debtors filed a Chapter 13 Bankruptcy Petition in the U.S. Bankruptcy Court for the Northern District of New York.
2. The chapter 13 plan was confirmed on 1/30/2019.
3. The Debtor is 28 months into their plan and have paid the trustee \$18,400.00 to date.
4. This motion to modify is being made because since the date of filing the Debtor has incurred over \$600/m in health insurance costs and was out of work during summer 2020 due to COVID.
5. Pursuant to the information provided by EPIQ the following claims are left to be paid:

Unsecured claims	\$15,339.32
Attorney fees	\$410.91
Trustee commissions	\$1,570.72
<u>Funds on hand</u>	<u>- \$744.95</u>
Total	\$16,576.00

6. The Debtor will make 32 payments of \$518.00 per month for the remaining term of the plan, beginning with the April 2021 payment.
7. At the filing of filing, the Debtor's disposable income was \$39,483.60, and the chapter 7 liquidation was \$0.

8. To complete the plan as modified the Debtors propose the following (all terms of the

confirmation order remain the same with the following exceptions):

- a. abate all arrears to the trustee;
- b. decrease the payment to \$518.00 a month for the remaining 32 months;
- c. keep the term of the plan at 60 months;
- d. reduce the unsecured dividend for non student loan claims to 5.02% and
reduce the dividend for student loan claims to 13.88% (total amount paid to
unsecured creditors will be \$25,880.94)
 - i. Non student loan unsecured creditor claims total \$32,276.55 and they
have been paid \$1,621.23 to date (5.02%) and will receive no further
payments through the plan;
 - ii. Student loan unsecured creditor claims total \$174,782.90 and they
have been paid \$8,920.39 to date (5.10%) and will receive an
additional \$15,339.32 through the plan (\$24,259.71 total) for a total
dividend of 13.88%;
- e. pay \$375.00 in attorney fees and \$35.91 in copying and postage costs as and
for the instant motion to modify for a total of \$410.91 to be paid through the
plan (which includes reviewing the budget with Debtor, modifying the plan,
generating motion, notice and supporting papers, copying and mailing
documents, serving the motion, addressing any objections that come up if
necessary, appearing at the hearing if necessary, preparing and uploading the
order to modify). To date counsel has requested fees of \$4,325.00, with
\$1,199.00 being paid pre filing, \$3,126.00 having already been paid by the
trustee, and \$0 left to be paid by the trustee.

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THEREFORE, the Debtors respectfully request an order from this Court that: a)

abates all arrears to the trustee; b) decreases the payment to \$518.00 a month for the remaining 32 months of the plan; c) keeps the term of the plan at 60 months; d) reduces the the unsecured dividend to non student loan claims to 5.02% and reduces the unsecured dividend to student loan claims to 13.88%; and e) pays \$410.91 in attorney fees and costs as and for the instant motion to modify; and such other and further relief as the Court deems just and proper.

Dated: April 1, 2021

HARRIS-COURAGE & GRADY, PLLC

BY:


/s/ Jessica Grady

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